

STAYED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00708-CRC**

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE v. U.S. CUSTOMS AND BORDER
PROTECTION
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 04/18/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**AMERICAN-ARAB
ANTI-DISCRIMINATION
COMMITTEE**

represented by **R. Andrew Free**
LAW OFFICE OF R. ANDREW FREE
P.O. Box 90568
Nashville, TN 37209
(844) 321-3221
Fax: (615) 829-8959
Email: andrew@immigrantcivilrights.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Kari E. D'Ottavio**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 305-0568
Fax: (202) 616-8470
Email: kari.e.d'ottavio@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Chetan A. Patil
U.S. DEPARTMENT OF JUSTICE
Civil Division
1100 L Street, NW
Room 12518
Washington, DC 20530
(202) 305-4968
Fax: (202) 616-8470
Email: chetan.patil@usdoj.gov
TERMINATED: 10/09/2018

Date Filed	#	Docket Text
04/18/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4918937), CIVIL COVER SHEET by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE, REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney's Office – Civil Process Clerk, # <u>3</u> Summons DHS Office of General Counsel, # <u>4</u> Summons U.S. Attorney General)(Free, R.) (Entered: 04/18/2017)
04/18/2017	<u>2</u>	NOTICE of Filing – Exhibits to Complaint by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE re <u>1</u> Complaint,, Cover Sheet,, Request for Summons to Issue, (Attachments: # <u>1</u> Exhibit A – March 8, 2017 FOIA Request, # <u>2</u> Exhibit B – CBP Web Portal Printout, # <u>3</u> Exhibit C – March 9, 2017 FOIA Modification, # <u>4</u> Exhibit D – CBP Web Portal Printout)(Free, R.) (Entered:

		04/18/2017)
04/18/2017		ENTERED IN ERROR.....Case Assigned to Judge Tanya S. Chutkan. (sth) Modified on 4/19/2017 based on incorrect Deck. (sth). (Entered: 04/19/2017)
04/18/2017		Case Reassigned to Judge Christopher R. Cooper. (sth) (Entered: 04/19/2017)
04/19/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 04/19/2017)
06/02/2017	<u>4</u>	NOTICE of Appearance by Chetan A. Patil on behalf of U.S. CUSTOMS AND BORDER PROTECTION (Patil, Chetan) (Entered: 06/02/2017)
06/02/2017	<u>5</u>	MOTION for Extension of Time to File Answer by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Text of Proposed Order)(Patil, Chetan) (Entered: 06/02/2017)
06/05/2017		MINUTE ORDER granting <u>5</u> Defendant's Motion for Extension of Time to Answer. It is hereby ORDERED that Defendant shall file its response to Plaintiff's complaint on or by July 3, 2017. Signed by Judge Christopher R. Cooper on 6/5/2017. (lccrc2) (Entered: 06/05/2017)
06/05/2017		Set/Reset Deadlines: Response due by 7/3/2017. (nbn) (Entered: 06/06/2017)
07/03/2017	<u>6</u>	ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION.(Patil, Chetan) (Entered: 07/03/2017)
07/05/2017		MINUTE ORDER: Before the Court in this FOIA case are a <u>1</u> complaint and <u>6</u> answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by July 20, 2017. Signed by Judge Christopher R. Cooper on 7/5/2017. (lccrc2) (Entered: 07/05/2017)
07/06/2017		Set/Reset Deadlines: Proposed Briefing Schedule due by 7/20/2017 (lsj) (Entered: 07/06/2017)
07/20/2017	<u>7</u>	NOTICE of Appearance by Kari E. D'Ottavio on behalf of U.S. CUSTOMS AND BORDER PROTECTION (D'Ottavio, Kari) (Entered: 07/20/2017)
07/20/2017	<u>8</u>	Joint STATUS REPORT <i>and Proposed Schedule for Disclosure</i> by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE. (Free, R.) (Entered: 07/20/2017)
07/25/2017		MINUTE ORDER: In light of <u>8</u> parties' Joint Status Report, it is hereby ORDERED that Defendant shall make its first production of responsive documents to Plaintiff on or around August 15, 2017. It is further ORDERED that the parties shall file a joint status report on or by August 31, 2017, including a proposed briefing schedule if necessary. Signed by Judge Christopher R. Cooper on 7/25/2017. (lccrc2) (Entered: 07/25/2017)
07/25/2017		Set/Reset Deadlines: Joint Status Report due by 8/31/2017 (hs) (Entered: 07/25/2017)
07/25/2017		Set/Reset Deadlines : Defendant to produce first responsive documents to Plaintiff by 8/15/17. (kk) (Entered: 07/25/2017)
08/31/2017	<u>9</u>	Joint STATUS REPORT by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE. (Free, R.) (Entered: 08/31/2017)
09/05/2017		MINUTE ORDER: In light of <u>9</u> the parties' Joint Status Report, it is ORDERED that the parties file a further status report by October 31, 2017, or, if agreement on any remaining issues cannot be reached, a briefing schedule. Signed by Judge Christopher R. Cooper on 9/5/2017. (lccrc2) (Entered: 09/05/2017)
09/05/2017		Set/Reset Deadlines: Joint Status Report due by 10/31/2017. (znbn) (Entered: 09/06/2017)
10/31/2017	<u>10</u>	PROPOSED BRIEFING SCHEDULE (<i>Submitted by Plaintiff only</i>) by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE. (Attachments: # <u>1</u> Text of Proposed Order)(Free, R.) (Entered: 10/31/2017)

10/31/2017	<u>11</u>	STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 10/31/2017)
11/01/2017		MINUTE ORDER: In light of <u>10</u> Plaintiff's proposed briefing schedule and <u>11</u> Defendant's status report, the Court declines to set a briefing schedule until Defendant's search and production is complete. The Court will not be able to evaluate the effectiveness of Defendant's search until it has completed that search. See Simon v. U.S. Department of Justice, No. 16-cv-671, 2017 WL 1495915 (D.D.C. April 26, 2017). It is therefore ORDERED that Defendant is to complete its search and to review and produce all remaining non-exempt responsive documents to Plaintiff by December 15, 2017. It is further ORDERED that the following briefing schedule will then apply if necessary: Defendant's motion for summary judgment shall be due January 15, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by February 15, 2018; Defendant's combined reply and opposition shall be due by March 15, 2018; and Plaintiff's reply shall be due by March 29, 2018. Signed by Judge Christopher R. Cooper on 11/1/2017. (lccrc2) Modified on 11/1/2017 to change from 2017 to 2018 (znbn). (Entered: 11/01/2017)
11/01/2017		Set/Reset Deadlines: Defendant is to complete its search and to review and produce all remaining non-exempt responsive documents to Plaintiff by 12/15/2017. Summary Judgment motions due by 1/15/2018. Response to Motion for Summary Judgment due by 2/15/2018. Reply to Motion for Summary Judgment due by 3/15/2018. Replies due by 3/29/2018. (nbn) (Entered: 11/01/2017)
12/14/2017	<u>12</u>	MOTION for Extension of Time to <i>Produce Remaining Responsive Records</i> by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Text of Proposed Order)(D'Ottavio, Kari) (Entered: 12/14/2017)
12/14/2017	<u>13</u>	RESPONSE re <u>12</u> MOTION for Extension of Time to <i>Produce Remaining Responsive Records</i> filed by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE. (Free, R.) (Entered: 12/14/2017)
12/15/2017		MINUTE ORDER granting <u>12</u> Defendant's Motion for Extension of Time. It is hereby ORDERED that Defendant shall produce all remaining non-exempt responsive records to Plaintiff by January 5, 2018. It is further ORDERED that the following briefing schedule will then apply, if necessary: Defendant's motion for summary judgment shall be due by February 5, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by March 8, 2018; Defendant's combined reply and opposition shall be due by April 5, 2018; and Plaintiff's reply shall be due by April 19, 2018. Signed by Judge Christopher R. Cooper on 12/15/2017. (lccrc2) (Entered: 12/15/2017)
12/15/2017		Set/Reset Deadlines: Remaining non-exempt responsive records to Plaintiff due by 1/5/2018. Summary Judgment motions due by 3/8/2018. Response to Motion for Summary Judgment due by 4/5/2018. Reply to Motion for Summary Judgment due by 4/19/2018. Plaintiff's Replies due by 4/19/2018. (lsj) (Entered: 12/15/2017)
02/02/2018	<u>14</u>	Unopposed MOTION for Extension of Time to <i>Commence Cross-Summary Judgment Briefing</i> by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Text of Proposed Order)(D'Ottavio, Kari) (Entered: 02/02/2018)
02/05/2018		MINUTE ORDER granting <u>14</u> Defendant's Motion for Extension of Time. The following briefing schedule shall now apply: Defendant's motion for summary judgment shall be due by February 19, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by March 22, 2018; Defendant's combined opposition and reply shall be due by April 19, 2018; and Plaintiff's reply shall be due by May 3, 2018. Signed by Judge Christopher R. Cooper on 2/5/2018. (lccrc2) (Entered: 02/05/2018)
02/06/2018		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 3/22/2018. Reply to Motion for Summary Judgment due by 4/19/2018. Plaintiff's Replies due by 5/3/2018. (lsj) (Entered: 02/06/2018)
02/19/2018	<u>15</u>	STRICKEN PURSUAN TO MINUTE ORDER MOTION OF 5/11/18. . . . for Summary Judgment by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(D'Ottavio, Kari) Modified on 5/14/2018 (td). (Entered: 02/19/2018)

03/22/2018	<u>16</u>	Unopposed MOTION to Stay <i>Briefing Deadlines</i> by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE (Attachments: # <u>1</u> Text of Proposed Order)(Free, R.) (Entered: 03/22/2018)
03/23/2018		MINUTE ORDER granting <u>16</u> Plaintiff's Motion to Stay. The briefing schedule will be stayed for thirty days to allow the parties to pursue discussions to narrow, if not eliminate, the issues in this case. The current schedule will resume upon expiration of the stay. Signed by Judge Christopher R. Cooper on 3/23/2018. (lccrc2) (Entered: 03/23/2018)
04/26/2018	<u>17</u>	Unopposed MOTION to Stay <i>Briefing Schedules an Additional 30 Days</i> by AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE (Attachments: # <u>1</u> Text of Proposed Order Extending Stay)(Free, R.) (Entered: 04/26/2018)
04/27/2018		MINUTE ORDER: The parties are directed to appear for a telephonic conference on May 1, 2018 at 11:00 AM. Signed by Judge Christopher R. Cooper on 4/27/2018. (lccrc2) (Entered: 04/27/2018)
04/27/2018		Set/Reset Hearings: Telephone Conference set for 5/1/2018 at 11:00 AM in Chambers before Judge Christopher R. Cooper. (lsj) (Entered: 04/27/2018)
04/30/2018		MINUTE ORDER: In consideration of a scheduling conflict, the Telephone Conference set for 5/1/2018 is hereby vacated and reset for 5/3/2018 at 2:00 PM in Courtroom 27A before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 4/30/18. (lsj) (Entered: 04/30/2018)
05/03/2018		MINUTE ORDER: As discussed during today's telephonic conference, the parties are directed to meet and confer regarding a further search of CPB's vetting office for potentially responsive records and to submit a joint status report by May 10, 2018 notifying the Court whether the agency has agreed to conduct any further search of that office and, if so, the scope and anticipated duration of the search. The parties are also encouraged to attempt to resolve the five specific withholdings plaintiff indicated it intended to challenge and to report on that issue in the joint status report as well. Signed by Judge Christopher R. Cooper on 5/2/2018. (lccrc2) (Entered: 05/03/2018)
05/04/2018		Set/Reset Deadlines: Status Report due by 5/10/2018 (lsj) (Entered: 05/04/2018)
05/11/2018	<u>18</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 05/11/2018)
05/11/2018		MINUTE ORDER: In light of <u>18</u> the parties' joint status report, the Court will strike <u>15</u> Defendant's pending motion for summary judgment, subject to re-filing if necessary once the additional search and production are completed. The parties are directed to file a status report updating the Court on the status of the additional search and production by July 11, 2018. Signed by Judge Christopher R. Cooper on 5/11/2018. (lccrc2) (Entered: 05/11/2018)
05/11/2018		Set/Reset Deadlines: Status Report due by 7/11/2018 (lsj) (Entered: 05/11/2018)
07/11/2018	<u>19</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 07/11/2018)
07/13/2018		MINUTE ORDER: In light of <u>19</u> the parties' joint status report, the parties shall file a further joint status report by August 10, 2018 updating the Court on the status of production and proposing a further schedule for production and, if necessary, briefing. Signed by Judge Christopher R. Cooper on 7/13/2018. (lccrc2) (Entered: 07/13/2018)
07/13/2018		Set/Reset Deadlines: Joint Status Report due by 8/10/2018 (lsj) (Entered: 07/13/2018)
08/10/2018	<u>20</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 08/10/2018)
08/13/2018		MINUTE ORDER: In light of <u>20</u> the parties' joint status report, the parties are directed to file a further joint status report by September 7, 2018 updating the Court on the status of production and proposing a further schedule for production or briefing as necessary. Signed by Judge Christopher R. Cooper on 8/13/2018. (lccrc2) (Entered: 08/13/2018)

08/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/7/2018 (zlsj) (Entered: 08/13/2018)
09/07/2018	<u>21</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 09/07/2018)
09/10/2018		MINUTE ORDER: In light of the parties' <u>21</u> September 7, 2018 joint status report, the parties shall file a joint status report on or before October 9, 2018, updating the Court on the status of production and proposing a briefing schedule if necessary. Signed by Judge Christopher R. Cooper on 9/10/2018. (lccrc2) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadlines: Joint Status Report due by 10/9/2018. (znbn) (Entered: 09/10/2018)
10/09/2018	<u>22</u>	NOTICE of Change of Address by Kari E. D'Ottavio (D'Ottavio, Kari) (Entered: 10/09/2018)
10/09/2018	<u>23</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. CUSTOMS AND BORDER PROTECTION. Attorney Chetan A. Patil terminated. (Patil, Chetan) (Entered: 10/09/2018)
10/09/2018	<u>24</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 10/09/2018)
10/10/2018		MINUTE ORDER: In light of the parties' <u>24</u> joint status report, the following briefing schedule shall apply: Defendant's motion for summary judgment shall be due November 8, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due December 10, 2018; Defendant's combined reply and opposition shall be due January 9, 2019; and Plaintiff's reply shall be due January 23, 2019. Signed by Judge Christopher R. Cooper on 10/10/2018. (lccrc2) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Summary Judgment motions due by 11/8/2018. Response to Motion for Summary Judgment due by 12/10/2018. Reply to Motion for Summary Judgment due by 1/9/2019. Replies due by 1/23/2019. (znbn) (Entered: 10/11/2018)
11/08/2018	<u>25</u>	MOTION for Summary Judgment by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(D'Ottavio, Kari) (Entered: 11/08/2018)
01/09/2019	<u>26</u>	Unopposed MOTION to Stay Jan. 9, 2019 reply brief deadline by U.S. CUSTOMS AND BORDER PROTECTION (D'Ottavio, Kari) (Entered: 01/09/2019)
01/09/2019		MINUTE ORDER granting <u>26</u> Defendant's Motion to Stay. The Defendant's deadline to file a reply, currently set for January 9, 2019, shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/9/2019. (lccrc2) (Entered: 01/09/2019)
01/28/2019	<u>27</u>	NOTICE of Restoration of Appropriations by U.S. CUSTOMS AND BORDER PROTECTION (D'Ottavio, Kari) (Entered: 01/28/2019)
02/01/2019		MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 4, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/01/2019	<u>28</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (D'Ottavio, Kari) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: In light of the parties' <u>28</u> joint status report, the parties shall file an updated joint status report on or before February 15, 2019 to update the Court on the parties' anticipated course of action with respect to attorneys' fees. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)